

## TITLE 9. HEALTH SERVICES

CHAPTER 30. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
MEDICARE PART D PRESCRIPTION COVERAGE EXTRA HELP SUBSIDY PROGRAM

*Editor's Note: 9 A.A.C. 30, consisting of Article 1 through Article 4, Sections R9-30-101, R9-30-201 through R9-30-218, R9-30-301, and R9-30-401 through R9-30-402, made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).*

*Editor's Note: 9 A.A.C. 30, which formerly contained the rules for AHCCCS - Premium Sharing Program, repealed by summary rulemaking at 9 A.A.R. 4358, with an interim effective date of October 10, 2003. The rescinded Chapter is on file in the Office of the Secretary of State (Supp. 03-3). Notice of Final Summary Rulemaking published at 10 A.A.R. 875; interim effective date of October 10, 2003 becomes permanent effective date April 4, 2004 (Supp. 04-1).*

## ARTICLE 1. DEFINITIONS

*Article 1, consisting of Section R9-30-101, made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).*

Section  
R9-30-101. General Definitions

## ARTICLE 2. ELIGIBILITY

*Article 2, consisting of Sections R9-30-201 through R9-30-218, made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).*

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R9-30-201. General  
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## ARTICLE 3. SERVICES

*Article 3, consisting of Section R9-30-301, made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).*

Section  
R9-30-301. Legal Obligations

## ARTICLE 4. GRIEVANCE SYSTEM

*Article 4, consisting of Sections R9-30-401 through R9-30-402, made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).*

Section  
R9-30-401. State Fair Hearing Request  
R9-30-402. State Fair Hearing for an Applicant or a Member

## ARTICLE 1. DEFINITIONS

## R9-30-101. General Definitions

In addition to definitions contained under 20 CFR 418.3010, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Act” means the Social Security Act.

“AHCCCS” means the Arizona Health Care Cost Containment System.

“Extra Help” means the subsidies that are available for Medicare Part D premiums, deductibles, and co-payments in accordance with Section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114).

“SSA” means the Social Security Administration.

## Historical Note

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

## ARTICLE 2. ELIGIBILITY

## R9-30-201. General

A. In accordance with the requirements of Section 1860D-14(a)(3) of the Act (42 U.S.C. 1395w-114(a)(3)), the applicant may apply for Extra Help with the SSA or with AHCCCS. AHCCCS shall offer to help an applicant complete the SSA's application for Extra Help. If the applicant declines to apply with SSA for the Extra Help program, AHCCCS shall determine eligibility for Extra Help under this Article.

B. Confidentiality. The Administration shall maintain the confidentiality of an Extra Help applicant's or member's records and limit the release of safeguarded information under R9-22-512.

## Historical Note

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

## R9-30-202. Opportunity to Apply

The Administration shall provide the opportunity to apply without delay.

## Historical Note

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

## R9-30-203. How to File an Application

A. To apply for the Extra Help with AHCCCS, a person shall submit a written application form prescribed by AHCCCS to any AHCCCS office or outstation location.

B. The application is considered filed and complete under R9-22-1501(D).

C. An application shall be submitted by:

1. The applicant, or
2. The applicant's personal representative.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-204. Assistance with an Application**

- A.** AHCCCS shall allow a personal representative of an applicant's choice to accompany, assist, and represent the applicant in the application process.
- B.** Assistance by AHCCCS. If requested, AHCCCS shall help a person complete an application.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-205. Social Security Number (SSN)**

To be eligible for Extra Help, a person shall furnish a SSN or apply for a SSN.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-206. Residency**

To be eligible for Extra Help, a person shall reside in Arizona.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-207. Income**

- A.** AHCCCS shall calculate countable income under 20 CFR 418.3301 through 418.3350, as of December 30, 2005, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- B.** AHCCCS shall determine income eligibility under 42 CFR 423.773 as of January 28, 2005, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-208. Ineligible Person**

A person residing in a penal institution is not eligible under this Article.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-209. Resources**

- A.** AHCCCS shall calculate countable resources under 20 CFR 418.3401 through 418.3425, as of December 30, 2005, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- B.** AHCCCS shall determine resource eligibility under 42 CFR 423.773, as of January 28, 2005, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-210. Verification**

To be eligible for Extra Help, a person shall provide verification, or authorize the release of verification, for all information necessary to complete the determination of eligibility.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-211. Medicare Requirements**

A person is not eligible for Extra Help unless the person is a Medicare beneficiary as defined in 20 CFR 418.3010, December 30, 2005, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-212. Eligibility Determination**

Determinations of eligibility for Extra Help under this Article are made by AHCCCS within 45 days of the date of the application being filed if the individual applies with AHCCCS.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-213. Determination of Extra Help Amount**

AHCCCS shall determine the amount of an applicant or member's Extra Help under 42 CFR 423.773, 42 CFR 423.780, and 42 CFR 423.782, as of January 28, 2005, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-214. Notice of Eligibility Determination by AHCCCS**

- A.** Notice. The administration shall send an applicant written notice of the eligibility decision. The notice shall include a statement of the action and an explanation of an applicant or member's hearing rights under 9 A.A.C. 34, Article 1.
- B.** Approval. If AHCCCS determines that the applicant is eligible, the notice shall contain the effective date of eligibility and the amount of the Extra Help.
- C.** Denial. If AHCCCS determines that the applicant is not eligible, the notice shall contain:
1. The effective date of the decision;
  2. A statement detailing the reason for the decision, including specific financial calculations and the financial eligibility standard, if applicable; and
  3. The legal authority supporting the decision.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-215. Effective Date of Eligibility**

The effective date of eligibility is the first day of the first month that the applicant is eligible for Extra Help under this Article, but no

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earlier than the month in which the applicant applies or January 1, 2006, whichever is later.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-216. Discontinuance of Eligibility or Change in the Extra Help Amount**

- A. Discontinuance. AHCCCS shall discontinue a person's eligibility if any of the conditions of eligibility under this Article are not met.
- B. Change in the amount of subsidy. AHCCCS will adjust the amount of the Extra Help, if a change in countable income or a change in countable resources causes the subsidy amount to change.
- C. Notice.
  1. AHCCCS shall follow the discontinuance notice requirements under R9-22-1501(K).
  2. AHCCCS will issue a notice if there is a change in the amount of the Extra Help.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-217. Redetermination**

AHCCCS shall redetermine an individual's eligibility at least every 12 months.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-218. Reporting Changes**

A member shall report any changes to AHCCCS, under R9-22-1501(H).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**ARTICLE 3. SERVICES**

**R9-30-301. Legal Obligations**

The Administration and Administration's designee are under no legal obligation to provide pharmaceutical services to individuals approved for Extra Help. Pharmaceutical services are provided by Medicare.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**ARTICLE 4. GRIEVANCE SYSTEM**

**R9-30-401. State Fair Hearing Request**

A request for State Fair Hearing under this Chapter shall comply with 9 A.A.C. 34, Article 1.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).

**R9-30-402. State Fair Hearing for an Applicant or a Member**

A State Fair Hearing for a member or an applicant under this Chapter shall comply with 9 A.A.C. 34, Article 1.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 866, effective March 7, 2006 (Supp. 06-1).